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*Via Email*

Clerk of the Supreme Court  
WASHINGTON STATE SUPREME COURT  
P.O. Box 40929  
Olympia, WA 98504-0929  
[Camilla.Faulk@courts.wa.gov](mailto:Camilla.Faulk@courts.wa.gov)

Re: Public Comment for Proposed ELC 15.7

Dear Clerk:

Thank you for the opportunity to comment on the proposed IOLTA comparability rule, submitted by the Legal Foundation of Washington and the WSBA last winter. My name is Jennifer Murray and I am an attorney in private practice at the law firm Terrell Marshall & Daudt PLLC. We have had our IOLTA account for one year, but have been involved with firms that have had IOLTA accounts for five years. I also am a board member for the Unemployment Law Project ("ULP"), a non-profit agency that provides free legal assistance and information to individuals who have been denied unemployment benefits.

As a member of the ULP board, I am well-aware that due to the current economic climate, funding for civil legal aid in Washington State is facing increasing constraints. Together with decreasing interest rates on IOLTA revenue, low income residents in need of legal assistance are in danger of not receiving the IOLTA funds they need to secure civil legal aid. This is one of several important reasons why this new comparability rule is so important.

We believe it is time that financial institutions pay comparable rates on comparable balances if they wish to participate in IOLTA. Historically, the unfair treatment that IOLTA accounts have received has resulted in lagging revenues. The money that these funds have failed to earn has directly resulted in fewer civil legal aid services available to vulnerable and low income people in Washington State. Comparable treatment of IOLTA accounts will help ensure that funds are available to people most in need of legal assistance.

Compliance with the new comparability rule will not be burdensome for these financial institutions. Indeed, IOLTA comparability rules have already been adopted in twenty other states and have not presented problems for attorneys in private practices in these various

jurisdictions. Actually, states that have adopted comparability amendments to their IOLTA rules generally experience revenue increases of between fifty and 100 percent. Because IOLTA accounts remain profitable for banks even when they pay comparable rates, many Washington State financial institutions will embrace this rule with enthusiasm.

Finally, adoption of the comparability rule is an easy way to generate additional revenue for civil legal aid at a time when it is most needed. Because the availability of legal assistance is the key to securing effective outcomes, adopting this rule will help ensure that low income residents of Washington State have access to civil legal aid funding to help resolve their civil legal problems. As evidenced by the states that have already adopted comparability amendments to their IOLTA rules, this change will not be difficult for our financial institutes to implement. Based on the experiences of other states that have adopted comparability rules, we believe this proposed rule will increase our IOLTA revenues by twenty-five and fifty percent.

Thank you for your review and consideration of these comments. If you have any questions, please do not hesitate to contact me.

Very truly yours,

TERRELL MARSHALL & DAUDT PLLC

A handwritten signature in cursive script that reads "Jennifer Rust Murray". The signature is written in dark ink and is positioned above the printed name.

Jennifer Rust Murray

JRM/cke